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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/979,525	11/21/2001	Alan F. Savicki	492.172	6341

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EXAMINER

BRITTAIN, JAMES R

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/979,525

Applicant(s)

SAVICKI, ALAN F.

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-7, 9-19, 21-23, 26-28, 30-41, 44-46, 48-58, 60-62, and 65-67 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Herrington Jr. et al. (US 5161286).

Herrington Jr. et al. (figure 7) teaches closure device comprising: a first fastening strip; a second fastening strip; a slider 32 adapted to be slidably disposed on the fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first end stop 31 at the first end, the slider comprising a housing having four jaws defined by the opposite downwardly extending thickened portions of the legs 21c, 22c that define a slot between them at each end of the slider and the right-hand face defining the portion of the recess or slot 32a for engaging the first end stop projection 31a when the slider is moved to the first end of the fastening strips and the first jaw thereby preventing removal of the slider from the

first end of the fastening strips in the longitudinal X axis. The end face of the slider engages the end stop at each end of the bag so as to keep the slider on the bag. The width of the end stop is greater than the spacing of the thickened portions of the legs of the slider that are considered jaws.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 8, 24, 25, 29, 42, 43, 47, 63, and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington Jr. et al. (US 5161286) in view of Richardson et al. (US 5301394).

Herrington Jr. et al. (figure 7) teaches closure device comprising: a first fastening strip; a second fastening strip; a slider 32 adapted to be slidably disposed on the fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first end stop 31 at the first end, the slider comprising a housing having four jaws defined by the opposite downwardly extending

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thickened portions of the legs 21c, 22c that define a slot between them at each end of the slider and the right-hand face defining the portion of the recess or slot 32a for engaging the first end stop projection 31a when the slider is moved to the first end of the fastening strips and the first jaw thereby preventing removal of the slider from the first end of the fastening strips in the longitudinal X axis. The end face of the slider engages the end stop at each end of the bag so as to keep the slider on the bag. The width of the end stop is greater than the spacing of the thickened portions of the legs of the slider that are considered jaws.

The difference is that the jaws defined by the opposite facing surfaces defining the recess or slot 32a are not located above the fastening strips. However, Richardson et al. (figures 1-4) teaches slider structure including the jaws 21b, 22b engaging the edges of the slot at the end of the fastening strips at the top of the fastening strips so as to have better stability. It would have been obvious to modify the fastener of Herrington Jr. et al. so that the jaws defined by the opposite facing surfaces defining the recess or slot 32a are located above the fastening strips in view of Richardson et al. (figures 1-4) teaching slider structure including the jaws 21b, 22b engaging the edges of the slot at the end of the fastening strips at the top of the fastening strips so as to have better stability.

Claims 20 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington Jr. et al. (US 5161286) in view of Stohlmeier et al. (US 5871281).

Herrington Jr. et al. (figure 7) teaches closure device comprising: a first fastening strip; a second fastening strip; a slider 32 adapted to be slidably disposed on the

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fastening strips and facilitating the occlusion of the fastening strips when moved towards a first end thereof and facilitating the deocclusion of the fastening strips when moved towards a second end thereof, the fastening strips and the slider having a longitudinal X axis and a transverse Y axis, the transverse Y axis being perpendicular to the longitudinal X axis, the fastening strips and the slider having a vertical Z axis, the vertical Z axis being perpendicular to the longitudinal X axis, the vertical Z axis being perpendicular to the transverse Y axis, a first end stop 31 at the first end, the slider comprising a housing having four jaws defined by the opposite downwardly extending thickened portions of the legs 21c, 22c that define a slot between them at each end of the slider and the right-hand face defining the portion of the recess or slot 32a for engaging the first end stop projection 31a when the slider is moved to the first end of the fastening strips and the first jaw thereby preventing removal of the slider from the first end of the fastening strips in the longitudinal X axis. The end face of the slider engages the end stop at each end of the bag so as to keep the slider on the bag. The width of the end stop is greater than the spacing of the thickened portions of the legs of the slider that are considered jaws.

The difference is that the interengaging features are not of the arrowhead type. However, Stolmeier et al. (figure 4) teaches that it is well known to utilize the arrowhead type of interengaging features 18H so as to better secure the closure. It would have been obvious to modify the fastener of Herrington et al. so that the interengaging features are of the arrowhead type in view of Stolmeier et al. (figure 4) teaching that it is

well known to utilize the arrowhead type of interengaging features 18H so as to better secure the closure.

Response to Arguments

Applicant's arguments filed March 10, 2003 have been fully considered but they are not persuasive. Applicant argues that the device of Herrington et al. functions differently than as claimed. However, the argument is not persuasive because review of the claims as amended only require that the end stop have a width greater than the slot defined between "jaws" of the slider and applicant has nothing to distinguish the jaws from the legs of the slider. Obviously having an end stop of greater dimension than the slot between the legs of the slider is well known and it is apparent that the planar engagement of the end face of the slider with the facing planar face of the end stop was not made clear to applicant in the previous action. The projection extends from the planar face of the end stop and is engaged by the recess. As to the use of Richardson et al., applicant argues that the device of Richardson et al. doesn't show the jaws 21b, 22b extending from the top of the slider, thereby extending above the fastening strips, however, figure 3 shows the jaws 21b, 22b extending downwardly from the top of the slider and contacting the flange portions of the strip above the interlocking fastener area. It is a sufficient teaching to show the jaws located above the fastening strips.

Conclusion

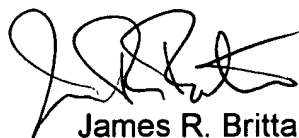
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-

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2222. The examiner can normally be reached on M, W & F 5:30-1:30, T 5:30-2:00 & TH 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



James R. Brittain
Primary Examiner
Art Unit 3677

JRB
June 16, 2003